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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,384	09/08/2003	Vipin Malik	1787-14801 (M&C 030005)	9373
23505	7590	01/14/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,384	Applicant(s) MALIK ET AL.	
	Examiner Michael P Nghiem	Art Unit 2863	

AK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-10 and 26-35 is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☒ Claim(s) 4 and 11-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-21-04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because numbers and letters (Fig. 2) are not uniformly thick and well defined (see 37 CFR 1.84(i)). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the processor, means to record data, memory device, and means to transmit data (claim 22) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 4 and 11 are objected to because of the following informalities:

- claim 4, "thirds" (line 2) should be – third --.
- claim 11, "that" (line 5) should be – than --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Hair et al. (US 4,646,575).

Regarding claim 22, O'Hair et al. discloses a measurement device diagnostic system (Fig. 4), comprising:

- a measurement device (transducers, Fig. 1) for taking measurements of a characteristic of interest (fluid flow, Abstract, line 1);
- a processor (microprocessor, column 4, line 10) not located in said measurement device (microprocessor is not in transducers, Fig. 1);
- means to record data corresponding to said measurements to a memory device (memory for storage is inherent with computations, column 4, lines 20-23);
- means to transmit said data from said memory device to said processor (microprocessor computes data, column 4, lines 20-23).

Regarding claim 23, O'Hair et al. discloses that said measurement device is an ultrasonic meter (column 1, lines 66-68).

Regarding claim 24, O'Hair et al. discloses that said measurement device records data continuously to said measurement device (column 4, lines 20-22).

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Regarding claim 25, O'Hair et al. discloses that said processor is in a portable computer (microprocessor-based unit, column 4, lines 10).

Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zalessky et al. (US 4,240,292).

Regarding claim 22, Zalessky et al. discloses a measurement device diagnostic system (Fig. 1), comprising:

- a measurement device (7, 8) for taking measurements of a characteristic of interest (column 1, lines 17-18);
- a processor (19) not located in said measurement device (Fig. 1);
- means (Fig. 1) to record data corresponding to said measurements to a memory device (17);
- means to transmit said data from said memory device to said processor (shown by bi-directional arrow between 17 and 19, Fig. 1).

Regarding claim 23, Zalessky et al. discloses that said measurement device is an ultrasonic meter (Abstract, line 1).

Regarding claim 24, Zalessky et al. discloses that said measurement device records data continuously to said measurement device (by measuring flow rates, column 7, line 5).

Regarding claim 25, Zalessky et al. discloses that said processor is in a portable computer (10).

Allowable Subject Matter

5. Claim 4 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 11-21 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

7. Claims 1-3, 5-10, and 26-35 are allowed.

Reasons For Allowance

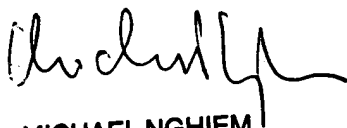
8. The method as claimed wherein playing said first and second sets of data at a time after said occurrence on a simulator of said measurement device, said simulator suitable to operate on said first and second sets of data to produce simulator output data (claims 1, 11, 26) is not disclosed, suggested, or made obvious by the prior art of record.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

January 13, 2005